***THE HON'BLE SRI JUSTICE R.SUBHASH REDDY***

**W.P.No.27791 of 2005**

**DATED:06.03.2006**

BETWEEN:

P. Jagga Rao Chowdari

..Petitioner

And

The Secretary, Ministry for Petroleum, New Delhi. and others

..Respondents

**ORDER:**

Assailing the notification dated 3.10.2005 issued by the Hindustan Petroleum Corporation Limited for appointment of a retail outlet dealer for installation of another retail outlet at Seethanagaram village, East Godavari District, this writ petition has been filed.

The averments as stated in the affidavit filed in support of the writ petition are that the petitioner is running MS/HSD retail outlet at Seethanagaram village, Seethanagaram mandal, East Godavari District having obtained the licence for the same from the I.B.P. Company under 'Physically Handicapped Quota'. The said outlet was established in the year 1987. There is another outlet at Torredu village which is at a distance of 12 kms. from Seethanagaram. Seethanagaram village and its group of villages are having a total population of 25000, and,

therefore, the consumption of petrol and oil in the area is very low and there is no likelihood of increase in the consumption as seen from the past sales of the petitioner-outlet. Therefore, there is no necessity of establishing another outlet at Seethanagaram and, if another outlet is established, the petitioner who is dependant on the meager sales at his existing outlet will

be deprived of his livelihood. The notification now issued by the Hindustan Petroleum Corporation for appointment of another retail outlet at Seethanagaram is in violation of the norms and guidelines issued from time to time and illegal and arbitrary. Therefore, the petitioner sought for a declaration that the said notification is null and void.

Learned counsel for the petitioner submitted that the 3rd respondent-Corporation has not followed the guidelines issued by the Ministry of Petroleum from time to time while issuing the notification calling for appointment of retail outlet dealers and the maintenance of the retail outlet by the petitioner will become very difficult if another retail outlet is established, as there is no increase in the volume of consumption of oil/petrol in the area for the past several years and the consumption in the area is just sufficient only for one outlet and the norms do not permit establishment of another outlet within a radius of 10 k.m. He also relied on a judgment of a Division Bench of this Court in Writ Appeal No.2218 of 2004 to the effect that without 'No Objection Certificate' from the competent

authority, the outlet sought to be established cannot be established.

On the other hand, Sri M.Ravindranath Reddy, learned counsel appearing for respondent No.3 submits

that there is no violation of any of the provisions of the Act or the Rules or guidelines governing the subject and there is no prohibition for setting up of such a retail outlet. He further submits that the 'No Objection Certificate' will be obtained from the authorities concerned before the commissioning of the outlet.

From the above contentions, it is clear that the petitioner except stating that the new outlet is sought to be established in violation of the norms, guidelines and provisions of the Petroleum Act, 1994, no provision or guideline in specific which prohibits establishment of another outlet, has been pointed out. The ground that if another outlet is established, petitioner's business will come down and he will be deprived of his only livelihood also is not a ground for interference.

No outlet, as yet, has been established or commissioned, and, only, notification has been issued by the 3rd respondent-Corporation inviting applications for appointment of retail outlet dealers. Therefore, no

interdiction by the court can be made at this stage. However, as the learned counsel for the petitioner submitted that 'No Objection Certificate' has not been obtained for the establishment of the outlet notified, it is made clear that the retail outlet sought to be established under the notification shall not be commissioned without obtaining 'No Objection Certificate' from the authorities concerned as required under law.

Subject to the above direction, the writ petition is disposed of. No costs.

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2006. **(R.SUBHASH REDDY, J.)**

GJ/VR.